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Attorney Docket No. P27013

In re application of: James R. WASON

Application No. : 10/606,547

Filed : June 26, 2003

For : **RICH TEXT HANDLING FOR A WEB APPLICATION**

Mail Stop Amendment

Group Art Unit: 2176

Examiner: M. Nguyen

Mail Stop Amendment

Commissioner for Patents
 U.S. Patent and Trademark Office
 Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Sir:

Transmitted herewith is a **Response to Restriction Requirement** in the above-captioned application.

☐ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

☐ A Request for Extension of Time.

☒ No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 50	50	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 5	5	0	x 44=	\$	x 88=	\$0.00
Multiple Dependent Claims Presented			+150=	\$	+300=	\$0.00
Extension Fees for ____ Month(s)				\$		\$0.00
Total:				\$	Total:	\$0.00

* If less than 20, write 20

** If less than 3, write 3

☐ Please charge my Deposit Account No. 09-0457 in the amount of \$ ____.

☐ A check in the amount of \$ ____ to cover the filing/extension fee is included.

☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 09-0457.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).

Andrew M. Calderon
 Reg. No. 38,093

Serial No.: 10/606,547



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Docket No.P27013

James R. Wason

Serial No.: 10/606,547

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For: **RICH TEXT HANDLING FOR A WEB APPLICATION**

United States Patent and Trademark Office
Customer Service Window, Mail Stop _____
Randolph Building
401 Dulany Street
Alexandria, VA 22314

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated December 9, 2005, Applicant elects Group I, claims 1-38 and 43-50, with traverse.

REMARKS

Upon entry of the present election, Applicant will have elected with traverse the invention defined as Group I comprising claims 1-38 and 43-50.

In the restriction requirement, the Examiner set forth a requirement to restrict the claimed invention to one of two groups of distinct inventions under the provisions of 37 C.F.R. 1.121 and MPEP §§ 806.04 and 808.01. The groups delineated by the Examiner are as follows:

Group I, claims 1-38 and 43-50, asserted to be drawn to represent and manage documents having rich text for use by applications, classified in class 715, subclass 531; and

Group II, claims 39-42, asserted to be drawn to provide a spellchecker function for use with documents, classified in class 715, subclass 533.

The Examiner asserted that the inventions of Groups I and II are unrelated and that the inventions are distinct from each other under MPEP §§806.04 and 808.01 because:

In the instant case, invention I has separate utility such as providing one or more classes for use by the applications to create and manage one or more rich text nodes in a memory structure representation; and invention II has separate utility such as determining a word is misspelled by checking the dictionary for the misspelled word resulting in a null value.

Applicant submits that the restriction requirement set forth by the Examiner omits one of the two criteria for a proper restriction requirement now established by the U.S. Patent and Trademark Office policy. As set forth in MPEP. § 803 "an appropriate explanation" must be set forth by the Examiner as to the existence of a "serious burden" if the restriction were not required. By virtue of the Examiner's requirement and because the claims of the various groups are closely related, it is submitted that there is no serious burden on the Examiner in examining all of the claims together. In fact, Applicant notes that both groups are classified in class 715, hence substantiating that no serious burden would be placed on the Examiner in examining all of the claims together. Furthermore, Applicant believes that the search for all of the claims includes at least some amount of overlap, as would clearly be the case since both Groups are classified in class 715. Thus, no serious burden would come to bear on the Examiner.

For the above-noted reasons, and consistent with the office policy as set forth in M.P.E.P. § 803, Applicant respectfully requests that the Examiner reconsider the position taken in the above-mentioned Official Action and withdraw the restriction requirement in the present application. Accordingly, the Examiner's restriction

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requirement is believed to be improper and has been traversed for the reasons set forth above.

Nevertheless, in order to be fully responsive, Applicant has elected with traverse the invention defined by the Examiner as Group I, claims 1-38 and 43-50, in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

If necessary, the Examiner is invited to contact the undersigned at the telephone number listed below. Applicant believes that no fees are necessary. If any fees are necessary, charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 09-0457.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Andrew M. Calderon', written over a horizontal line.

Andrew M. Calderon
Registration No. 38,093

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